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Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

BRUCE DUNN,

Plaintiff,

vs.

DERRICK E. McGAVIC, P.C.,

Defendant.

**Case No. 09-3035-PA**

**ANSWER AND  
AFFIRMATIVE DEFENSE**

**Jury Trial Requested**

Defendant admits, denies and alleges as follows:

1.

For its answer to paragraph 1, defendant admits that this is an action brought under the FDCPA.

2.

For its answer to paragraph 2, defendant admits this claim involves a federal question, but denies this court has supplemental jurisdiction because plaintiff has not alleged any state claims.

3.

Admits paragraphs 3 through 7.

ANSWER AND AFFIRMATIVE DEFENSE -1

4.

For its answer to paragraph 8, defendant admits that on January 15, 2009 it sent plaintiff an initial letter in connection with its attempt to collect a debt owed to Capital One Bank. The balance of the allegations in paragraph 8 on page 2 of the complaint are legal conclusions which require no response from defendant. Defendant denies that it violated the FDCPA in any of the ways alleged in paragraph 8.

5.

For its answer to paragraph 9, defendant admits that any actions taken by its employees were done within the scope of their employment.

6.

For its answer to paragraph 10, defendant admits, denies and alleges as set forth above.

7.

Except as admitted above and as alleged herein, defendant denies each and every other allegation, matter and thing contained in plaintiff's complaint.

\* \* \* \* \*

FOR ITS FURTHER ANSWER BY WAY OF AN AFFIRMATIVE DEFENSE, defendant alleges:

(Bone Fide Error)

8.

If it were determined that defendant violated the FDCPA, such violation would have occurred by reason of a bone fide error.

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ANSWER AND AFFIRMATIVE DEFENSE -2

WHEREFORE, defendant prays that plaintiff's complaint be dismissed and for a judgment in its favor, including an award of its costs incurred herein.

DATED this 21st day of May, 2009.

LUVAAS COBB  
Attorneys for Defendant

By: /s/ David A. Jacobs  
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